Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matters of	)	
IP-Enabled Services	)	WC Docket No. 04-36
E911 Requirements for IP-Enabled Service Providers	)	WC Docket No. 05-196

COMMENTS OF GLOWPOINT, INC.

GlowPoint, Inc. ("GlowPoint") submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") June 3, 2005 Notice of Proposed Rulemaking ("*NPRM*") addressing the additional steps it should take to ensure that voice over Internet Protocol ("VoIP") customers have access to emergency 911 ("E911") service.[1] GlowPoint supports the Commission's efforts to ensure that all consumers have access to emergency services, but urges the Commission to not expand the application of its E911 rules to IP-enabled video conferencing services. These business focused services are readily distinguishable from traditional telephone services and end users have no expectation that they are available for emergency calls. Needlessly imposing E911 obligations on providers of emerging IP-enabled video communications services will hinder the development and deployment of these services and does not serve the public interest.

[1] *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, WC Docket Nos. 04-36, 05-196, FCC 05-116 (rel. June 3, 2005) ("*VoIP E911 Order*" and "*NPRM*").

I. INTRODUCTION AND BACKGROUND.

GlowPoint is a nationwide leading broadcast-quality, IP-based video communications service provider. It offers a host of video conferencing and webcasting products using its dedicated IP network that was built to meet the needs and expectations of video conference subscribers. Specifically, GlowPoint offers video conferencing, bridging and IP broadcasting services to large business enterprises, small entrepreneurs, broadcasters and other consumers worldwide. GlowPoint's customer base ranges from Fortune 500 companies to federal, state and municipal government entities to business and legal services firms to non-profit organizations.

In its *VoIP E911 Order* the Commission took a significant step to protect consumers by requiring certain VoIP service providers to supply E911 capabilities to their subscribers. The Commission noted that some consumers are using some VoIP services that "mimic traditional telephony" as a replacement for their traditional plain-old-telephone-service ("POTS").[2] As a result, these consumers expect their VoIP services to provide traditional telephone services, including the ability to dial "911" to reach public safety personnel in the event of an emergency. The Commission concluded that it is reasonable for these consumers to expect that they can access emergency service and that VoIP service providers therefore must offer E911 capability to their subscribers.[3]

The Commission and the communications industry have gone to great lengths to make "911" available on a nationwide basis for emergency services, and GlowPoint supports the Commission's efforts to protect consumers that use VoIP technology by ensuring the availability of E911 services. IP-enabled video conferencing services are readily distinguishable from

[2] *Id.* ¶¶ 23-24.

[3] *Id.*

traditional telephone services, however, and consumers do not expect to make emergency calls using their video conferencing services. The Commission risks hampering the further development and expansion of the emerging IP-video conferencing industry if it imposes costly and unnecessary E911 obligations.

II. THE PUBLIC INTEREST IS NOT SERVED BY EXTENDING E911 REQUIREMENTS TO IP-ENABLED VIDEO CONFERENCING SERVICES.

The Commission has relied upon two key factors in determining whether a certain service should be subject to its E911 rules: (1) whether the service in question is viewed by consumers as a substitute for traditional wireless or wireline telephone service, and (2) whether consumers expect to make emergency calls using the service.[4] IP-based video conferencing services satisfy neither criterion.

A. IP-Enabled Video Conferencing Service Is Not A Substitute For Traditional Telephone Service.

IP-enabled video conferencing services are generally not considered by the industry or consumers to be a substitute for traditional POTS for a number of reasons. First, the vast majority of users of video conferencing services are businesses.[5] Although the price of video conferencing services has declined over the last several years, the cost of these services (which can range from several hundred to thousands of dollars each month) generally precludes residential consumers' use. Further, video conferencing service rates inhibit customers from

[4] *Id.*; *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, 18 FCC Rcd 25340, 25347 (2003) (noting that the Commission has previously considered whether customers using a particular service or device have a reasonable expectation of access to E911 services in determining whether that service or device should be E911 compliant); *IP-Enabled Services*, Notice of Proposed Rulemaking, 19 FCC Rcd 4863, 4900 (2004) ("*IP-Enabled NPRM*").

[5] *See* Videoconferencing: Wading into the Mainstream, In-Stat MDR, Report No. IN030588MB (Mar. 2003) (explaining that the video conferencing market primarily targets business and government users).

substituting these services for less expensive traditional telephone service.[6] In addition, business customers also typically locate video communications systems in designated conference rooms or similar locations that are accessible to multiple employees. Employees rarely have access to video conferencing systems in their individual offices.

Further, the typical video communications system uses specialized equipment and does not rely upon classic telephone handsets. Specifically, a television or similar monitor, a video camera, microphone, and a remote control comprise the essential elements of a video communications system. These components may differ from device to device and system to system. Video conferencing "calls" are typically initiated using the remote control, which resembles a remote used to operate a television, DVD player, or similar electronic device. A video call requires the subscriber to punch certain numbers or codes on the remote, select menu functions on the screen or monitor, and/or contact a live video conferencing operator. A person cannot easily make an impromptu "call" to a non-video conference participant because of the varying look, feel, operating characteristics and functionality of each video communications system.

Depending upon the service provider and the scope of its offerings, IP-based video conference subscribers may place "on-net" or "off-net" video calls. The former typically refers to using dedicated circuits between a subscriber's offices and/or the network of the video service provider. The latter refers to video conference calls that traverse the circuits of another service

[6] Video conferencing is attractive to many businesses because it reduces travel requirements but retains the benefits of face-to-face communications. *See, e.g.*, *SARS Prompts Increase in Demand for Video Conferences*, BBC Monitoring International Reports, Apr. 13, 2003 (noting that the spread of severe acute respiratory syndrome (SARS) has increased demand for video conferencing services); Cathleen Moore, *Videoconferencing Takes Control*, InfoWorld, Sep. 7, 2001, *available at* www.infoworld.com/articles/fe/xml/01/09/10/010910fevidconf.html (reporting that video conferencing is being used internally to increase employee productivity and externally to improve businesses).

provider and/or part of the public switched telephone network ("PSTN") to connect to the other party(ies) participating in the video conference. Subscribers generally cannot distinguish whether a video conference call is on- or off-net, so even if some off-net calls may connect at some point to the PSTN, IP-enabled video conferencing services remain distinguishable from POTS and are not viewed by customers as a substitute for POTS.

Accordingly, various features of an IP-based video conference service clearly distinguish it from traditional wireline and wireless telephone service, including its cost, typical customer base and the varying characteristics of video communications systems. Customers do not replace their traditional telephone service with IP-enabled video conferencing services, but rather use these services to complement their existing telecommunications services.

B. Consumers Do Not Expect To Make Emergency Calls Using A Video Conferencing System.

Providers of IP-enabled video conferencing services should not be required to supply E911 capability if their subscribers do not reasonably expect to make emergency calls using those services. GlowPoint and other video conferencing companies do not hold themselves out to provide traditional telephone voice service. Rather, they are part of a niche market that provides video conferencing services to businesses and other similar institutions. They also do not suggest that their subscribers replace their existing traditional telephone services with video communications.

Further, consumers do not reasonably expect to make emergency calls from IP-based video communications systems for many of the same reasons, noted above, that these systems are complementary to, but not substitutes for, POTS. For example, video communications systems routinely are located in conference rooms or similar locations, not individual offices. As a shared resource the specially equipped conference rooms must be reserved in advance.

Subscribers reasonably expect only that the video communications system will be used for prearranged video conference calls. If presented with an emergency situation, a subscriber would logically use a telephone in or near the conference room (or a wireless phone) to call 911, rather than attempt to make such a call using the video system.

Similarly, because the specialized equipment for video communications does not resemble in any way a traditional telephone system, subscribers do not expect that the system could be used in the same manner or have all of the same functionalities as a traditional telephone system. As noted above, equipment components may vary by video communications system and each system may have different operating standards.

C. Imposing E911 Obligations On IP-Enabled Video Conferencing Services Will Impede The Further Development Of These Services.

The IP-enabled market has significantly developed in the past decade, bringing revolutionary technologies and services to consumers. The Commission has long concluded that the public interest is not served by heavy-handed regulation of the Internet and the services provided over it.[7] In the case of VoIP services that effectively replace traditional telephone service, the importance of protecting the public is paramount and required the Commission to subject VoIP providers to E911 requirements. IP-enabled video conferencing services, however, present no public safety issue. As discussed above, video conferencing services are not substitutes for traditional telephone service and consumers do not expect to use them to make emergency calls. Imposing E911 obligations on such nascent services will unnecessarily drive up operating costs of video conferencing service providers.[8] Diverting needed funds will slow

[7] *IP-Enabled NPRM*, 19 FCC Rcd at 7865, 4867-68.

[8] For example, deploying E911 wireless services will cost an estimated $8 billion over five years. *See* U.S. Gen. Accounting Office, *Telecommunications: Uneven Implementation of Wireless Enhanced 911 Raises Prospect of Piecemeal Availability for Years to Come*, GAO 04-55, at 5

the expansion of their businesses and the development and deployment of new technologies and competitive services to subscribers. This result does not advance either the Commission's developing framework for addressing IP-enable services or the public interest.

III. CONCLUSION.

The Commission should not unnecessarily burden IP-enabled services with E911 obligations when the services do not act as a replacement for traditional telephone service and when consumers do not expect the service to allow them to make emergency calls. Accordingly, GlowPoint urges the Commission to not apply the requirements adopted in the *VoIP E911 Order* to IP-enabled video conferencing services.

Respectfully submitted,

/s/ Cheryl A. Tritt

Michael Brandofino
Chief Technical Officer and
Executive Vice President
GlowPoint, Inc.
225 Long Avenue
Hillside, New Jersey 07205
(973) 391-2053

Cheryl A. Tritt
Jennifer L. Kostyu
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006
(202) 887-1500

Counsel to GlowPoint, Inc.

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(Nov. 2003) (estimating that wireless E911 implementation will cost "at least $8 billion over the next five years"); Anne Marie Squeo, *Cellphone Hangup: When You Dial 911, Can Help Find You?*, Wall St. J., May 12, 2005, at A1 (stating that "it would take $8 billion and at least four more years to modernize the nation's 911 system for wireless calls").